

March 24, 2009

President Barack Obama
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear Mr. President,

After you rescinded the Mexico City Policy, you stated, “No matter what our views, we are united in our determination to prevent unintended pregnancies, reduce the need for abortion and support women and families in the choices they make. To accomplish these goals, we must work to find common ground.” In an effort to find common ground, we have serious concerns about your decision to nominate Dawn Johnsen to head the Office of Legal Counsel. We are concerned about her personal, pro-abortion agenda and how it will negatively impact America’s future.

In the past, you have promised to hold judicial nominees to a standard—a standard that respects the Constitution and resists the temptation to substitute personal ideology for legal reasoning. While the Office of Legal Counsel is not a judicial nomination, it will still provide you, the Executive Branch, and the U.S. Department of Justice with legal counsel, and it should be held to the same standard. Ms. Johnsen does not meet this standard. As you may know, Ms. Johnsen has been a strong advocate for abortion. In the Supreme Court amicus brief that she authored, Ms. Johnsen wrote, “While a woman might choose to bear children gladly and voluntarily, statutes that curtail her abortion choice are disturbingly suggestive of involuntary servitude, prohibited by the Thirteenth Amendment, in that forced pregnancy requires a woman to provide continuous physical service to the fetus in order to further the state’s asserted interest.” Ms. Johnsen also included, “the woman is constantly aware for nine months that her body is not wholly her own: the state has conscripted her body for its own ends. Thus, the abortion restrictions ‘reduce pregnant women to no more than fetal containers.’”

In 2006, Ms. Johnsen stridently attacked the Supreme Court’s decision in *Gonzales v. Carhart* upholding Congress’ ban on partial-birth abortion, a procedure the late Senator Daniel Patrick Moynihan described as “too close to infanticide.” She asserted that because of the Supreme Court’s decision to uphold the partial-birth ban, “every first-year law student’s constitutional law casebook” now contains “gruesome descriptions designed to make abortion sound like infanticide.” Ms. Johnsen’s position has condemned virtually every type of regulation of abortion conceived by a legislature, no matter how mild the regulation or how shocking the practice regulated, as unacceptable.

As we search for “common ground,” we believe it is important to recognize that Ms. Johnsen has no interest in reducing the number of abortions, stating, “Progressives must not portray all abortions as tragedies. . . Senator Hillary Clinton, in a 2005 speech commendable for setting forth a pro-choice, pro-prevention, pro-family agenda, took the

aspiration a step in the wrong direction when she called for policy changes so that abortion ‘does not ever have to be exercised or only in very rare circumstances.’”

It is evident that Ms. Johnsen does not meet the standard you embraced on the campaign trail nor does she promote the “common ground” that you promised the American people after rescinding the Mexico City Policy. Instead, this divisive nominee's intemperate positions and her indifference towards those who hold contrary views do not reflect the sober judgment required to lead the Office of Legal Counsel.

We respectfully request that you withdraw your nomination of Ms. Dawn Johnsen. The Office of Legal Counsel needs a leader who will place the rule of law above political philosophy or personal agenda. Thank you for your time and consideration of our request.

Sincerely,